

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

*Attach w/  
Support*

I, Lisa Mansur, hereby certify that this correspondence, pursuant to 37 C.F.R. §1.8, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attn: Licensing and Review, on:

Date: December 7, 2004

By

Lisa Mansur

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

Applicant(s): Greg T. Stayton et al. Docket No.: 50847.00155  
Application No.: 10/722,797 Group Art Unit: 3662  
Filing Date: November 26, 2003 Examiner: Bernarre E. Gregory  
Title: FORMATION SURVEILLANCE AND COLLISION AVOIDANCE

TRANSMITTAL OF DECLARATION PURSUANT TO 42 U.S.C. § 2457

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: Licensing and Review

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LICENSING & REVIEW

Enclosures

- [ x ] Declaration Pursuant to 42 U.S.C. § 2457
- [ x ] Copy of the Office Communication mailed November 4, 2004

It is our understanding that no fee is required for this response. If any fees are due in connection with this response, please charge the fees to our **Deposit Account No. 19-3878**.

Respectfully submitted,

Dated: December 7, 2004

By

Allen J. Moss  
Reg. No. 38,567

SQUIRE, SANDERS & DEMPSEY L.L.P.  
Two Renaissance Square  
40 North Central Avenue, Suite 2700  
Phoenix, Arizona 85004-4498  
(602) 528-4839  
# 305044

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

I, Lisa Mansur, hereby certify that this correspondence, pursuant to 37 C.F.R. §1.8, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attn: Licensing and Review, on:

Date: 12-7-04

By Lisa Mansur

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

Applicant(s):	Greg T. Stayton et al.	Docket No.:	50847.00155
Application No.:	10/722,797	Group Art Unit:	3662
Filing Date:	November 26, 2003	Examiner:	Bernarre E. Gregory
Title:	FORMATION SURVEILLANCE AND COLLISION AVOIDANCE		

**SUPPLEMENTAL DECLARATION PURSUANT TO 42 U.S.C. § 2457**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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As a below named inventor, I hereby declare:

The subject patent application is a continuation of U.S. Patent No. 6,683,562, filed on January 11, 2002 by Greg T. Stayton, Kathryn W. Ybarra, and James R. Troxel, which is a continuation-in-part of U.S. Patent No. 6,657,578 filed on July 20, 2001 by Greg T. Stayton, Kathryn W. Ybarra, and James R. Troxel. Greg T. Stayton, Kathryn W. Ybarra, and James R. Troxel (the Inventors) were employees of ACSS from before the date of conception and continue as employees to this day without interruption.

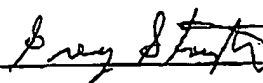
The claimed invention was made pursuant to ACSS proprietary product development and funded in full by ACSS. There is no relationship between the claimed invention and any work under any contract of the National Aeronautics and Space Administration with ACSS (Contract).

The invention claimed in the subject application was not made in the performance of any Contract. The Inventors who made the invention were not employed or assigned to perform research, development, or exploration work under any Contract. The invention is not related to

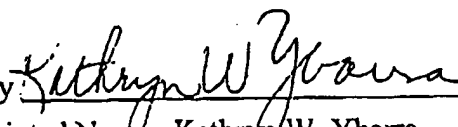
the work under any Contract that an inventor was employed or assigned to perform, or within the scope of his employment duties.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this document.

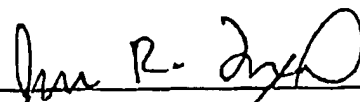
Date: 11-17-04

By   
Printed Name: Greg T. Stayton  
Title: Inventor

Date: 1 Dec 2004

By   
Printed Name: Kathryn W. Ybarra  
Title: Inventor

Date: 7 Dec 2004

By   
Printed Name: James R. Troxel  
Title: Inventor

# 300217



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

50847-155  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,797	11/26/2003	Greg T. Stayton	50847.00155	8233

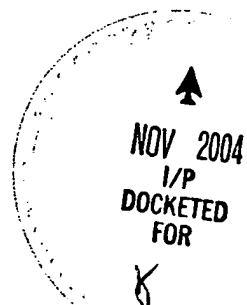
7590 11/04/2004  
Squire, Sanders & Dempsey L.L.P.  
Two Renaissance Square  
Suite 2700  
40 North Central Avenue  
Phoenix, AZ 85004-4498

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.





UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
**PATENT & TRADEMARK OFFICE  
MAILED**

NOV - 4 2004

EX PARTE: STAYTON, ET AL..

SERIAL NO.: 10/722,797

FILED: 11/26/03

TITLE: FORMATION SURVEILLANCE AND COLLISION AVOIDANCE

**LICENSING & REVIEW**

Receipt is acknowledged of the statement filed 11/25/04 under the provisions of:  
     Section 152 of the Atomic Energy Act, 42 U.S.C. 2182, as amended.

  X   Section 305(c) of the National Aeronautics and Space Act, 42 U.S.C. 2457.

**THE STATEMENT IS INSUFFICIENT SINCE:**

     It is not in the form of an oath or a declaration (as provided by 37 CFR 1.68).

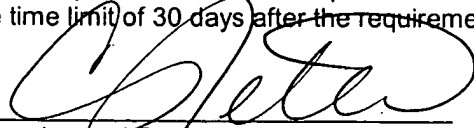
     It fails to set forth the "full facts" surrounding the making and conception of the invention as required by the Act. The full facts should include whether the invention was made and conceived during working hours of an employer's, or on the inventor's own time, using his/her employer's own funds, facilities, materials and services.

     In addition to setting forth the full facts concerning the circumstances under which the invention was made, a general averment in accordance with the statutory requirements was not recited setting forth the contractual relationship (if any) with either DOE and/or NASA.

  X   The section required the statement be executed by "applicant" and this is construed in accordance with patent statutes as meaning the person or persons who may apply for a patent. It is noted that this includes all joint inventors if the invention is joint, unless deceased, incompetent or unavailable within the meaning of 37 CFR 1.47. If a statement by someone in place of the unavailable inventor(s) is to be accepted, the same proofs, information and assignment called for by 37 CFR 1.47 (b) should be furnished, including the inventor's last known address. This has not been done.

  X   Other: ALL APPLICANTS MUST SIGN STATEMENT. PLEASE SUBMIT SUPPLEMENTAL STATEMENT.

This application will be reached in about thirty (30) days for consideration of the need to call it to the attention of the Commissioner for the purpose of the formally requesting a statement under said section, unless a supplemental statement is voluntarily filed in the meantime. Should it be necessary to issue a formal requirement for the statement, no provision is found for extension of the time limit of 30 days after the requirement is made.

  
Licensing and Review  
Special Laws Administration Group  
(703) 305-0241  
11/04/04

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS  
MATTER TO THE ATTENTION OF LICENSING AND REVIEW**



LEGAL  
COUNSEL  
WORLDWIDE

SQUIRE, SANDERS & DEMPSEY L.L.P.

Two Renaissance Square  
40 North Central Avenue, Suite 2700  
Phoenix, AZ 85004-4498  
Office: +1.602.528.4000  
Fax: +1.602.253.8129

Preferred Fax: \_\_\_\_\_  
If Problems: \_\_\_\_\_

December 7, 2004

PLEASE DELIVER THESE PAGES IMMEDIATELY

Number of Pages (including cover): 6

TO: Ms. Jeter  
Licensing and Review

FAX NO.: (703) 305-6384

COMPANY: U.S. Patent and Trademark Office

PHONE NO.: (703) 305-0241

FROM: Lisa A. Mansur, Paralegal

DIRECT DIAL NO.: +1.602.528.4811

E-MAIL: [lmansur@ssd.com](mailto:lmansur@ssd.com)

RE: U.S. Patent Application No. 10/722,797  
Filing Date: November 26, 2003  
Inventor(s): Stayton et al.  
Title: FORMATION SURVEILLANCE AND COLLISION AVOIDANCE  
Our Ref.: 50847.00155

RECEIVED  
DEC 14 2004  
LICENSING & REVIEW

Message: Dear Ms. Jeter:

Further to our recent telephone conversation, I have attached a copy of the following documents for filing in the U.S. Patent and Trademark Office:

- [ x ] Transmittal of Declaration
- [ x ] Declaration Pursuant to 42 U.S.C. § 2457
- [ x ] Copy of the Office Communication mailed November 4, 2004

Pursuant to 37 C.F.R. § 8, the original documents are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attn: Licensing and Review.

Date: December 7, 2004

By

Lisa Mansur

**CONFIDENTIALITY NOTICE:**

The attached information is LEGALLY PRIVILEGED AND CONFIDENTIAL and is intended only for the use of the addressee named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, please be aware that any dissemination, distribution or duplication of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the address above via the postal service. Thank you.

Sender No.: 08414

50847.00155

Lisa Mansur

Job No: \_\_\_\_\_

Account No.

Return to Office

10/23/04  
MJP

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

STMT (3050)  
11/24/04

I, Lisa Mansur, hereby certify that this correspondence, pursuant to 37 C.F.R. §1.8, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attn: Licensing and Review, on:

Date: 10-22-04

By

Lisa Mansur

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

Immediate Response

Applicant(s):	Greg T. Stayton et al.	Docket No.:	50847.00155
Application No.:	10/722,797	Group Art Unit:	3662
Filing Date:	November 26, 2003	Examiner:	Bernarre E. Gregory
Title:	FORMATION SURVEILLANCE AND COLLISION AVOIDANCE		

**TRANSMITTAL OF DECLARATION PURSUANT TO 42 U.S.C. § 2457**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: Licensing and Review

**Enclosures**

- [ x ] Declaration Pursuant to 42 U.S.C. § 2457  
[ x ] Copy of the Office Communication mailed September 9, 2004

It is our understanding that no fee is required for this response. If any fees are due in connection with this response, please charge the fees to our **Deposit Account No. 19-3878**.

Respectfully submitted,

Dated:

10/22/04

By

William R. Bachand

William R. Bachand  
Reg. No. 34,980

SQUIRE, SANDERS & DEMPSEY L.L.P.  
Two Renaissance Square  
40 North Central Avenue, Suite 2700  
Phoenix, Arizona 85004-4498  
(602) 528-4100  
# 300643

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

I, Lisa Mansur, hereby certify that this correspondence, pursuant to 37 C.F.R. §1.8, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attn: **Licensing and Review**, on:

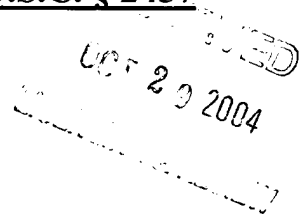
Date: 10-22-04 By Lisa Mansur

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

Applicant(s):	Greg T. Stayton et al.	Docket No.:	50847.00155
Application No.:	10/722,797	Group Art Unit:	3662
Filing Date:	November 26, 2003	Examiner:	Bernarre E. Gregory
Title:	FORMATION SURVEILLANCE AND COLLISION AVOIDANCE		

**DECLARATION PURSUANT TO 42 U.S.C. § 2457**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**Attn: Licensing and Review**



I, John J. Leshinski, hereby declare that:

I am the Vice President and General Counsel of Assignee, Aviation Communication & Surveillance Systems, LLC (ACSS), and have personal knowledge of the subject matter hereof.

The subject patent application is a continuation of U.S. Patent No. 6,683,562, filed on January 11, 2002 by Greg T. Stayton, Kathryn W. Ybarra, and James R. Troxel, which is a continuation-in-part of U.S. Patent No. 6,657,578 filed on July 20, 2001 by Greg T. Stayton, Kathryn W. Ybarra, and James R. Troxel. Greg T. Stayton, Kathryn W. Ybarra, and James R. Troxel (the Inventors) were employees of ACSS from before the date of conception and continue as employees to this day without interruption.

The claimed invention was made pursuant to ACSS proprietary product development and funded in full by ACSS. There is no relationship between the claimed invention and any Contract.

The invention claimed in the subject application was not made in the performance of any work under any contract of the National Aeronautics and Space Administration with ACSS



(Contract). The Inventors who made the invention were not employed or assigned to perform research, development, or exploration work under any Contract. The invention is not related to the work under any Contract that an inventor was employed or assigned to perform, or within the scope of his employment duties.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this document.

**AVIATION COMMUNICATION &  
SURVEILLANCE SYSTEMS, LLC**

Date: \_\_\_\_\_

10/20/04

By \_\_\_\_\_

Printed Name: \_\_\_\_\_

John J. LeshinskiTitle: Vice President and General Counsel

# 300217



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

50847-155  
Recd  
fm  
PT

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/722,797	11/26/2003	Greg T. Stayton	50847.00155

Squire, Sanders & Dempsey L.L.P.  
Two Renaissance Square  
Suite 2700  
40 North Central Avenue  
Phoenix, AZ 85004-4498

EXAMINER	
ART UNIT	PAPER NUMBER
PATENT & TRADEMARK OFFICE <b>MAILED</b>	

DATE MAILED:

SEP 9 2004 e

This application has been reported by the examiner as in condition for allowance.

**LICENSING & REVIEW**

The subject matter of this application appears to have significant utility in the conduct of aeronautical and space activities as recited in Section 305C of the National Aeronautics and Space Act of 1958 (Public Law 568, 85th Congress, 42 U.S.C. 2457). Accordingly, it would appear that no patent can issue on this application until there is filed by applicant(s) a statement under oath, or in lieu thereof a declaration (as provided by 35 U.S.C. 25), setting forth the full facts concerning the circumstances under which such invention was made and stating the relationship (if any) of such invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

In the event 35 U.S.C. 202 has been made applicable by express provision in any contract, grant or cooperative agreement with the National Aeronautics and Space Administration which may have a relationship to the subject matter of this application, applicant may file a statement under oath, or in lieu thereof a declaration (as provided by 35 U.S.C. 25), to the effect that 35 U.S.C. 202 is applicable, as an alternative to the statement required above. A false statement regarding this applicability of 35 U.S.C. 202 shall be considered a false representation of a material fact which may result in a request for transfer of title to the patent, which issues on this application, to the Administrator of the National Aeronautics and Space Administration pursuant to Section 305(e) of the National Aeronautics and Space Act.

It is considered appropriate for a statement to be filed at this time without a formal requirement and this letter has been sent in order to give applicant(s) an opportunity to do so.

Should it be necessary to bring this matter to the attention of the Commissioner to make a formal requirement for the statement, no provision is found in Section 305C of the National Aeronautics and Space Act for the extension of the time limit, set therein, which is thirty days after the requirement is made.

This application will be reached for processing in about FORTY-FIVE DAYS. Final disposition thereof will be expedited if an appropriate statement is filed during this period.

Respectfully,

Special Laws  
Administration Group

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE  
ATTENTION OF LICENSING AND REVIEW.**